

It is not, therefore, necessary to inquire, in this case, whether the facts and circumstances are sufficiently strong to infer the assent of the executor to the legacy in question, as we are now in a court of equity, where, in a proper case, relief may be granted irrespective of any such assent.

The bill charges that the negro, John, the subject of the suit, constituted a portion of the personal estate of the testator, and that an interest not exceeding her life estate was sold by Amelia Lark, his executrix and legatee for life, to the defendant, Linstead, who knew she had but a life estate, and was not authorized to sell for a longer term. Special interrogatories are propounded to the defendant, to the following effect:—1st. At what time he purchased and took possession of the said boy, and whether he did not then know that Amelia Lark was the tenant for life only; and 2d. Requiring the said defendant to disclose the amount of purchase money which was paid for the said slave, and for what period of time he purchased him. In the bill it was also averred, that the executrix, prior to the sale of the said negro boy to the defendant, Linstead, had sold of the personal estate of the testator, a sufficient amount to pay off his debts and the costs and expenses of the administration, and that at the time of the sale in question, she was in possession of and held the property as tenant for life under her husband's will. The answer denies this latter allegation, and says the negro was sold to him by the executrix to raise funds, as he believes, to pay claims against the estate of her testator, of which there remained some outstanding and unsatisfied. That he purchased the boy in November, 1829, *bona fide* and for a fair price as a slave for life, and that he dealt with said executrix as having full authority to sell the boy for the life of the boy, and that he did not know that said executrix had only a life interest in him when he purchased; and in answering the general interrogatories, the defendant recapitulates these statements, and insists that he has acquired a full and absolute title to the property thus purchased.

Greenbury Lark, the testator, died in December, 1826, and his executrix returned an inventory of his personal estate in